



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MAHN
ATTORNEY GENERAL

Honorable Thomas A. Wheat
County Attorney
Liberty County
Liberty, Texas

Dear Sir:

Opinion No. C-4579

Re: Expenses of county commissioners when traveling out of the county on official business.

And related question.

Your two letters of recent date requesting our opinions upon the above stated questions have been received.

We wish to commend you on your excellent briefs accompanying each of these inquiries. These briefs were of material benefit in assisting us in rendering this opinion.

We quote the questions as propounded in each of your letters:

"The County Commissioners' Court of Liberty County have requested that I obtain from your department an opinion as to whether or not the County Commissioners are allowed expenses, when travelling out of the County on official business."

"The Honorable Commissioners' Court of Liberty County have requested that I obtain for them from you an opinion as to whether or not the County Commissioners' Court is authorized to allow and authorize the payment of the travelling expenses of the County Auditor that he may incur outside of the County as for instance, expenses for a trip to Austin."

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With reference to your first question quoted above, Liberty County operates under the general road law of this State, and we have been unable to find any statutory authority which would allow the commissioners of Liberty County expenses while traveling out of the county on official business. This department has repeatedly held upon a number of questions similar to the question presented by you that in the absence of a valid statute, the Commissioners' Court has no authority to allow any sum of money to its members for expenses.

In this connection, we are enclosing herewith for your information copies of opinions Nos. O-752 and O-1926.

With reference to your second question, we have been unable to find any statute which authorizes the payment to the county auditor of any expenses incurred by him while traveling, either within or without the county, on official business. Therefore, your second question is answered in the negative.

Trusting that the above satisfactorily answers your inquiries, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED MAR 5, 1942



FIRST ASSISTANT
ATTORNEY GENERAL

By



D. Burle Daviss
Assistant

DEB:GO

ENCLOSURE

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